



1631\$

PATENT
ATTORNEY DOCKET NO.: 044574-5040-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Patrick C. KUNG *et al.*

Application No.: 09/830,033

Filed: October 22, 2001

For: PHYTOMICS: A GENOMIC-BASED APPROACH TO
HERBAL COMPOSITIONS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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) Group Art Unit: 1631
)
) Examiner: Cheyne D. Ly
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TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response to Restriction Request and Second Preliminary Amendment responding to the Office Action dated March 11, 2003, time for response to which expires with a one month extension on May 11, 2003.
2. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

[X] Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

Total Months Requested
one month

Fee for Small Entity
\$ 55.00

3. Constructive Petition

[X] **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §' 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

4. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	27	Minus	81	0	x \$18 each=	+ \$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	6	minus	18	0	x \$84 each=	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$280.00	+ \$
SUB-TOTAL =						\$ 0.00
Reduction by 2 for filing by a small entity						- \$
TOTAL FEE =						\$ 0.00

5. Fee Payment

- [X] The Commissioner is hereby authorized to charge \$55.00 for a one-month extension to Deposit Account No. 50-0310.
- [X] The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR §' 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: April 28, 2003

By: Erich E. Veitenheimer
 Erich E. Veitenheimer
 Reg. No. 40,420

CUSTOMER NO. 09629
 MORGAN, LEWIS & BOCKIUS LLP
 1111 Pennsylvania Ave., NW
 Washington, D.C. 20004
 202-739-3000